

REMARKS

This paper is filed in response to the Office Action dated May 29, 2008, in the above-referenced application. This paper is timely filed as it is accompanied by a petition for extension of time and authorization to charge our credit card account in the amount of the requisite fee.

Restriction Requirement

The Office Action included a restriction requirement requiring election of one of the following two groups of claims:

Group I: claims 11-14, which are drawn to a device; and,

Group II: claims 1-10, which are drawn to a method of making a device.

The restriction requirement is respectfully traversed. Reconsideration and withdrawal of the restriction requirement are respectfully requested in view of the following remarks.

The examiner correctly recognized that unity of invention practice, and not U.S. restriction practice under 35 U.S.C. §121, is applicable because this application is the U.S. national phase of an international (PCT) application. *See M.P.E.P. § 1893.03(d)* (8th Ed. rev. 5, August 2006). The appropriate showing and standard for making a lack of unity of invention requirement follows:

When making a lack of unity requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding technical feature. *The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.*

Id. (emphasis added).

Here, the examiner merely asserted that

...Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the Group I claims relate to an organic optoelectronic device which has specific electronic function and are directed to the internal operation; the Group II claims relate to a method of preparing a plurality of electrically connected organic optoelectronic devices.

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Thus, the examiner asserted a proper basis for making a lack of unity requirement is present in this application because the pending claims are directed to both devices and methods of preparing such device. However, the examiner has not explained why each group lacks unity with each other group (as is required). Furthermore, the examiner has not specifically described the unique special technical feature in each group (as is required). Additionally, the examiner has neither cited a prior art document that discloses or suggests, for example, the method of claim 1, or the plurality of electrically connected optoelectronic devices of claim 20, nor has the examiner provided any evidence that the groups I and II lack a common technical feature that defines the contribution of all pending claims 1-14 over the prior art. Thus, the examiner could not have possibly determined whether the claim groups share a special technical feature, as that term is defined.

In view of the above comments, the applicants respectfully submit that the examiner has not made a showing sufficient to demonstrate a lack of unity of invention. Accordingly, the restriction requirement should be removed.

Provisional Election

Pursuant to the requirements of 37 C.F.R. §1.143, the applicants provisionally elect Group II (claims 1-10) for continued prosecution in this application, with traverse.

CONCLUSION

Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, he is respectfully invited to contact the undersigned attorney at the indicated telephone number.

Respectfully submitted,

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